

REMARKS

Claims 44-72 are now pending in the application upon admission of new claims 44-72. Claims 1-43 have been canceled. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

DOUBLE PATENTING

Claims 1-6, 12-15 and 18-20 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,685,707. Applicants acknowledge this double patenting rejection and will consider filing a terminal disclaimer upon allowance of the subject application.

CLAIM OBJECTIONS

Claims 34 and 41 stand objected to for minor typographical errors. Applicants note that claims 34 and 41 have been canceled in favor of newly presented claims rendering this objection moot.

REJECTION UNDER 35 U.S.C. §102

Claims 1-6 and 12-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,814,046 (Hopf). Claims 1, 12, 18-20, 28-29, 31-33-36 and 38-43 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,068,631 (Lerch). This rejection is respectfully traversed. Applicants note that these

claims have been canceled in view of newly presented claims rendered this rejection moot.

REJECTION UNDER 35 U.S.C. §103

Claims 1-6, 12-15, 18-20, 28-31, 37-41 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,585,739 (Kuras) in view of U.S. Pat. No. 6,022,351 (Bremer). Claims 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuras in view of Bremer and optionally in further view of Hopf. Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,814,046 (Hopf). This rejection is respectfully traversed. Applicants note that these claims have been canceled in favor of newly presented claims rendering this rejection moot.

NEW CLAIMS 44-72

While new claims 44-72 have not been rejected, Applicants offer the following comments in an effort to expedite prosecution. At the outset, Applicants note that new claim 44 includes a cap "defining a substantially planar engaging end face and having a gripping feature formed on the end face". Applicants also submit that new claim 44 includes "a base opposing the engaging end of the cap and having a central recess, the central recess defining a collar at an aperture formed in the base; and a post having... an engaging portion defined on a terminal end that engages the collar and is positioned in the central recess of the base". Applicants respectfully submit that the collective art of record fails to teach or render obvious such a combination of features. In the most

recent Office Action, the Examiner has identified the “flat sides for allowing a tool to grip” of the nut 23 disclosed in Hopf as the “gripping feature”. Applicants submit that the flat sides around the perimeter of the nut 23 in Hopf are not a gripping feature formed on an end face.

In the most recent Office Action, the Examiner has also identified the terminal end of the post 1 in Hopf to be the entire portion of the post below surface 3c of the connection element 3. Using the Examiner’s interpretation of the “terminal end”, Applicants submit that the terminal end of the post 1 is not positioned in a central recess of the base as provided in new claim 44.

Applicants offer the following comments regarding Lerch. Applicants have reproduced Figs. 6-8 of Lerch immediately below for reference.

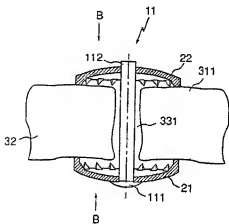


Figure 6

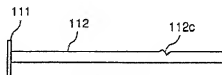


Figure 7

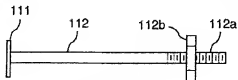


Figure 8

Applicants submit that element 21 of Lerch does not provide a central recess that defines a collar at an aperture formed therein. Even more specifically, Lerch does not

provide a post having an engaging portion defined on a terminal end that engages the collar and is positioned in the central recess of the base. Instead, the head 111 of the shaft 112 of Lerch extends outboard of element 21 as shown in Fig. 6.

Applicants additionally submit that claim 44 recites that the post defines “threads that receive a corresponding mating portion of the cap” and also requires that “the post includes a torque-limiting feature”. The Examiner interprets Lerch by taking the position that the threads 112a (Fig. 8) disclose “the threads” and the notch 112c (see Fig. 7) discloses “the torque-limiting feature”. Applicants submit, however, that the notch 112c cannot be interpreted as a torque-limiting feature. The notch 112c is used to force the disk 22 toward the head 111 of the pin. Moreover, the threaded portion 112a is mutually exclusive to the notch portion 112c. As provided in Lerch, the notch 112c is an alternative to the threads for urging the disk 22 toward the head 111 of the pin. Lerch does not show how the notch 112c can be compatible with a threaded post to allow a cap to advance along the threads and beyond the notch 112c. Applicants respectfully submit that new claim 44 and dependent claims therefrom are in condition for allowance.

Applicants note that new claim 64 includes “the channel retaining the base at the enlarged head”. In the most recent Office Action, the Examiner has defined the “channel” of Lerch as being between the enlarged head 111 and the notch 112c. Applicants first submit that the portion of the shaft 112 between the head 111 and the notch 112c does not define a “channel”. Furthermore, Applicants submit that if this portion of the shaft 112 does define a channel, the channel does not retain the element

21 at the enlarged head 111. Instead, the element 21 is free to traverse all along the shaft 112 between the head 111 and the notch 112c.

Applicants offer the following comments with respect to Kuras and Bremer. The most recent Office Action states that Kuras is silent of a torque-limiting feature. The most recent Office Action also states that Bremer explicitly states that the post element can have at least one weakened section of significantly less thickness to prevent over-tightening, thereby preventing ratchet teeth from breaking. At the outset, Applicants submit that Bremer does not disclose a "post element". Instead, Bremer teaches an element 10 that has "a construction that is similar to that of a conventional plastic cable tie with each ratchet tooth having a ramp surface 15" (column 4, lines 12-14). Applicants submit that the cable tie construction of Kuras cannot define "a torque-limiting feature" because there is no "torque" being applied to the cable tie. Instead, it is a simple linear advancement of the distal end of the cable tie through the elongate opening 25 of the element 11.

Applicants respectfully submit that new claim 64 and dependent claims therefrom are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 22·APR·08

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